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10/078,366	02/21/2002	John Keane	7937.0003	4963

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER
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MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/078,366

Applicant(s)

KEANE ET AL

Examiner

Joseph R. Maniwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 101***

2. Claims 26-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "A computer-implemented system, comprising: means for detecting...; means for receiving...; means for removing...; means for determining...; means for determining...; and means for forwarding..." is non-statutory, as the various recited means appear to be nothing more than a collection of software means, per se, and are not tangibly embodied in a manner so as to be executable. The subject matter of the claims can be interpreted as software based on the disclosure provided (see Specification, paragraphs [062] and [063]), which states that the various processes of the invention may be implemented as software or program code.

### ***Claim Rejections - 35 USC § 102***

3. Claims 1-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Boden et al. (U.S. Pat. App. Pub. 2003/0145104), hereinafter referred to as Boden.
4. Regarding claims 1, 15, 26, and 31, Boden disclosed a method and system comprising detecting an addressing conflict between a first address of a first processor and a second address of a second processor (see paragraphs [0018], [0056]); receiving

from the first processor one or more packets forming a tunnel (see paragraph [0062]); removing from the one or more packets information about the tunnel, the removed tunnel information having a virtual address (see paragraph [0062]); determining that the one or more packets are associated with the detected addressing conflict based on the removed virtual address (see paragraph [0056], [0062]); determining a translated address based on the removed virtual address (see paragraph [0059]); and forwarding the one or more packets based on the translated address (see paragraph [0059]).

5. Regarding claims 2, 16, and 27, Boden disclosed the method and system further comprising detecting that the first address is the same as the second address (see paragraph [0056]).

6. Regarding claims 3, 17, 28, and 32, Boden disclosed the method and system further comprising detecting that the first address is same as the second address based on information about the first processor and the tunnel (see paragraphs [0056], [0062]).

7. Regarding claims 4, 18, and 29, Boden disclosed the method and system further comprising removing information indicating the virtual address, the virtual address uniquely identifying the tunnel (see paragraph [0062]).

8. Regarding claims 5, 19, and 30, Boden disclosed the method and system further comprising removing information indicating a virtual Internet Protocol (IP) address of the tunnel (see paragraphs [0049], [0050], [0053]).

9. Regarding claims 6 and 20, Boden disclosed the method and system further comprising determining, based on the removed virtual address, that the first address in the one or more packets causes the addressing conflict (see paragraph [0056]).

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10. Regarding claims 7 and 21, Boden disclosed the method and system further comprising determining the translated address based on the first address (see paragraph [0059]).

11. Regarding claims 8 and 22, Boden disclosed the method and system further comprising mapping the first address into the translated address, such that the one or more packets are forwarded on a network other than the first and second networks without the addressing conflict (see paragraphs [0059], [0091]).

12. Regarding claims 9 and 23, Boden disclosed the method and system further comprising mapping the first address into the translated address, such that the one or more packets are forwarded on the second network without the addressing conflict (see paragraphs [0059], [0091]).

13. Regarding claims 10 and 24, Boden disclosed the method and system further comprising mapping the first address into the translated address, such that the one or more packets are forwarded on the first network without the addressing conflict (see paragraphs [0059], [0091]).

14. Regarding claims 11, 25, and 33, Boden disclosed the method and system further comprising mapping, at a gateway, the first address into the translated address (see paragraphs [0039], [0059]).

15. Regarding claim 12, Boden disclosed the method and system further comprising detecting the addressing conflict at a gateway interfacing a network other than the first and second networks (see paragraph [0039], Fig. 4).

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16. Regarding claim 13, Boden disclosed the method and system further comprising detecting the addressing conflict at a gateway interfacing the second network (see paragraph [0039], Fig. 4).

17. Regarding claim 14, Boden disclosed the method and system further comprising detecting the addressing conflict at a gateway interfacing the first network (see paragraph [0039], Fig. 4).

18. Regarding claim 34, Boden disclosed the method and system wherein the other processor resolves the conflict based on another virtual address of another tunnel established between the other processor and the second network (see paragraph [0057]).

19. Regarding claim 35, Boden disclosed the method and system wherein the other processor resolves the conflict such that communication between the second processor and the first network is enabled (see paragraph [0060]).

20. Regarding claims 36 and 45, Boden disclosed the method and system further comprising forming the tunnel, such that a first protocol encapsulates a second protocol (see paragraph [0062]).

21. Regarding claims 37 and 46, Boden disclosed the method and system further comprising using the first protocol as an Internet Protocol (IP) (see paragraphs [0018], [0056], [0057]).

22. Regarding claims 38 and 47, Boden disclosed the method and system further comprising user the second protocol as an Internet Protocol (IP) (see paragraphs [0049], [0062]).

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23. Regarding claims 39 and 48, Boden disclosed the method and system further comprising defining the second protocol to further include an encryption protocol (see paragraph [0051]).

24. Regarding claims 40 and 49, Boden disclosed the method and system further comprising removing from the one or more packets the virtual address of the tunnel, the virtual address uniquely identifying the tunnel and being routable on a virtual network (see paragraph [0049], [0062]).

25. Regarding claims 41 and 50, Boden disclosed the method and system further comprising determining the translated address, such that the addressing conflict is resolved by the first processor on the first network without regard to a possible addressing conflict on a network other than the first network (see paragraph [0059]).

26. Regarding claims 42 and 51, Boden disclosed the method and system further comprising determining the translated address, such that the addressing conflict is resolved between the first and second networks without regard to a possible addressing conflict on a network other than the first and second networks (see paragraph [0059]).

27. Regarding claims 43 and 52, Boden disclosed the method and system further comprising determining the translated address, such that the addressing conflict is resolved by the first processor without consent of another processor (see paragraph [0059]).

28. Regarding claims 44 and 53, Boden disclosed the method and system further comprising determining the translated address, such that the addressing conflict is

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resolved by the first and second processors without regard to another processor (see paragraph [0059]).

29. Regarding claim 54, Boden disclosed the method and system wherein the other processor determines the translated address without regard to the first and second networks, such that the addressing conflict is resolved locally on a network other than the first and second networks (see paragraph [0059]).

30. Regarding claim 55, Boden disclosed the method and system wherein the other processor determines the translated address, such that the addressing conflict is resolved on a network other than the first and second networks (see paragraph [0059]).

### ***Response to Arguments***

31. Applicant's arguments filed 09/22/05 have been fully considered but they are not persuasive.

32. Regarding claims 26-30 rejected under 35 U.S.C. 101 as directed to non-statutory subject matter, Applicant asserts that the rejection has no basis under 35 U.S.C. 101 or in case law. However, Examiner submits that the rejection has basis under 35 U.S.C. 101, which requires that the invention fall under the category of a process, machine, manufacture, or composition of matter, and thus does not allow for non-tangible software embodiments. As described above, the subject matter set forth in claims 26-30 appears to be directed towards such non-tangible software as supported by the Specification, and is thus rejected as being non-statutory subject matter.



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33. Regarding claims 1-55 rejected under 35 U.S.C. 102(e) as being anticipated by Boden et al. (U.S. Pat. App. Pub. 2003/0145104), Applicant traverses the rejection. Specifically, Regarding claim 1, Applicant asserts that Boden does not disclose "determining that the one or more packets are associated with the detected addressing conflict based on the removed virtual address". Examiner submits that Boden in fact teaches determining such an addressing conflict based on removed virtual address. Boden disclosed detecting an overlap of IP addresses from information removed from packets, the information used to determine then that the packets received were associated with the detected conflict (see paragraphs [0056], [0062]). Boden thus reads upon the broad concept of determining that the packets are associated with an addressing conflict based on the removed virtual addresses as claimed. Regarding claims 15, 26, and 31, Applicant asserts a similar argument, and Examiner maintains the rejection for the same reasoning set forth above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

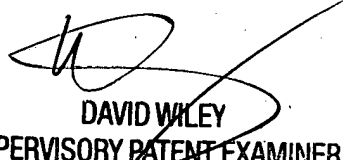
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JM

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DAVID WILEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100